

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed November 14, 2006 rejected claims 1-19. This is a full and timely response to that outstanding Office Action.

I. Present Status of Patent Application

Claims 1 and 13 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1 and 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 13 of copending application number 10/602,986. Claims 1-19 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by *Wasilewski* (U.S. Patent No. 5,418,782). These rejections are respectfully traversed.

II. Objection to Specification and Rejections Under 35 U.S.C. §112

The Office Action objects to the Specification and rejects claims 1 and 13 under 35 U.S.C. §112, First Paragraph as allegedly failing to comply with the written description requirement. Applicant respectfully submits that lines 19-28 on page 28 of provisional application 60/054,578 provide at least one embodiment of using a PID to select packets for encrypting. Applicant provides an affidavit by Howard Pinder, a co-inventor of the application, as evidence that the cited paragraph supports claims 1 and 13. Therefore, Applicant respectfully submits that the rejection to claims 1 and 13 should be withdrawn.

III. Rejections Under 35 U.S.C. §102(b)

A. Claims 1-19

The Office Action rejects claims 1-19 under 35 U.S.C. 102(b) as allegedly being anticipated by *Wasilewski* (U.S. Patent No. 5,418,782). For at least the reason that the *Wasilewski* reference is an improper 102(b) reference, Applicant respectfully traverses the rejection.

The instant application is a continuation-in-part of U.S. Patent No. 5,742,677, which was filed April 3, 1995. Since this filing date of April 3, 1995, predates the issuance of the *Wasilewski* reference of May 23, 1995, the use of the *Wasilewski* reference is improper under 35 U.S.C. 102(b). Support for the claimed subject matter can be found in at least one embodiment in the '677 patent: "Any data leaving the secure microprocessor 205 may be likewise signed by the subscriber with a unique security object stored in secure memory and portions or all of the message encrypted with a subscriber key..." See '677, col. 76, lines 61-64. Therefore, Applicant respectfully submits that use of the *Wasilewski* reference under 35 U.S.C. 102(b) and rejections of claims 1-19 should be withdrawn.

VI. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-19 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

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